
STATUTORY INSTRUMENTS

2023 No. 624

The Service Police (Complaints etc.) Regulations 2023

PART 3

Complaints etc.

CHAPTER 5

Investigations and Subsequent Proceedings etc.

Power of the Commissioner to issue guidance

85.—(1) The Commissioner may issue guidance to—

- (a) the Defence Council;
- (b) the Boards;
- (c) the Provost Marshals; and
- (d) other members of the service police forces,

concerning the exercise or performance, by the persons to whom the guidance is issued, of any of the powers or duties specified in paragraph (2).

(2) Those powers and duties are—

- (a) those that are conferred or imposed by this Part; and
- (b) those that are otherwise conferred or imposed but relate to—
 - (i) the handling of complaints;
 - (ii) the means by which recordable conduct matters or DSI matters are dealt with; or
 - (iii) the detection or deterrence of misconduct by members of the service police forces.

(3) Before issuing any guidance under this section, the Commissioner must consult with—

- (a) such persons as appear to the Commissioner to represent the views of the Defence Council and the Boards;
- (b) the Provost Marshals; and
- (c) such other persons as the Commissioner thinks fit.

(4) The approval of the Secretary of State is required for the issue by the Commissioner of any guidance under this regulation.

(5) Without prejudice to the generality of the preceding provisions of this regulation, the guidance that may be issued under this regulation includes—

- (a) guidance about the handling of complaints which have not yet been recorded and about dealing with recordable conduct matters or DSI matters that have not been recorded;
- (b) guidance about the procedure to be followed by the appropriate authority when recording a complaint or any recordable conduct matter or DSI matter;
- (c) guidance about how to protect the scene of an incident or alleged incident which—

- (i) is or may become the subject-matter of a complaint; or
- (ii) is or may involve a recordable conduct matter or DSI matter;
- (d) guidance about the circumstances in which it is appropriate (where it is lawful to do so)—
 - (i) to disclose to any person, or to publish, any information about an investigation of a complaint, conduct matter or DSI matter; or
 - (ii) to provide any person with, or to publish, any report or other document relating to such an investigation.
- (6) Nothing in this regulation authorises the issuing of any guidance about a particular case.
- (7) Every person to whom any guidance under this regulation is issued must have regard to that guidance in exercising or performing the powers and duties to which the guidance relates.
- (8) A failure by a person to whom guidance under this regulation is issued to have regard to the guidance, is admissible in evidence in any administrative action procedures.

Commencement Information

II Reg. 85 in force at 19.6.2023, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Service Police (Complaints etc.) Regulations 2023, Section 85.